

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:05 CR 716

-vs-

O R D E R

MICHAEL PAGE,

Defendant.

KATZ, J.

This matter is before the Court on Defendant Michael Page's Rule 12 motion (Doc. 134) and the United States' motion to dismiss Defendant's motion (Doc. 135).

Defendant's motion seeks to reopen procedural and substantive aspects of his arrest and plea. However, Defendant has already entered a binding plea agreement, been sentenced, and entered a notice of appeal. His appeal in this matter is currently pending before the U.S. Court of Appeals for the Sixth Circuit as Case No. 06-3800. That notice of appeal removes the matter from this Court's jurisdiction. This Court cannot therefore cannot hear the challenges advanced in his motion; at this juncture, those grievances are the province of the Court of Appeals.

Defendant's motion (Doc. 134) is hereby denied. The United States' motion (Doc. 135) is hereby granted.

IT IS SO ORDERED.

s/ David A. Katz  
DAVID A. KATZ  
U. S. DISTRICT JUDGE